

**TITLE 14. Fish and Game Commission
Notice of Proposed Changes in Regulations**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1050, 9054 and 9055 of the Fish and Game Code and to implement, interpret or make specific sections 1050, 7850, 7852.2, 7857, 9054 and 9055 of said Code, proposes to amend Section 120.7, Title 14, California Code of Regulations, relating to commercial sea urchin fishing.

Informative Digest/Policy Statement Overview

Current law (Section 9054, Fish and Game Code) provides that the Fish and Game Commission has the authority to adopt regulations for commercial sea urchin fishing. The law further specifies that the Commission may limit the number of sea urchin permits issued whenever necessary to prevent overutilization or to ensure efficient and economic operation of the fishery, either on a statewide basis or within selected geographic areas.

Existing regulation (Section 120.7, Title 14, California Code of Regulations) sets the conditions for commercial sea urchin fishing, including the issuance of new permits and open and closed fishing days.

Subsection 120.7(c) provides for permit renewal dates of June 30 without penalty and after June 30 but before August 1 with a \$50 late fee. Applications for renewal received or postmarked after July 31 are not considered.

The proposed regulations would advance those dates by two months to provide consistency with the renewal dates for other restricted access fisheries. Permits would have to be received or postmarked before April 30, or after April 30 but before June 1 with a \$50 late fee. Applications for renewal received or postmarked after May 31 would not be considered.

Current regulation (subsection 120.7(d)) provides for one new sea urchin diving permit to be available for each 10 permits that are not renewed from the prior license year. That ratio will change when the total number of permits issued drops below 300, when one new sea urchin diving permit would become available for each permit that is not renewed.

The proposed amendments would remove the change in ratio that is now provided for when the total number of permits drops below 300, and instead retain the ratio of one new permit for each 10 non-renewed permits, regardless of the total number of permits issued or not renewed.

The Department's License and Revenue Branch expects to move its office sometime during 2006. A non-substantive change is made in the mailing address.

Existing regulation (subsection 120.7(l)) sets the open days for fishing as seven days per week from November to March, four days per week in April, May, September and October, three days per week in June and August and two days per week in July.

The proposed amendments would add one day per week in the month of July so there would be a three-day per week open season from June through August.

Existing regulation sets the open days of the week from April through October by name throughout the state.

The proposed amendments would, instead, allow fishing in northern California (north of the Pigeon Point lighthouse in San Mateo County) on any weekday of the week, up to a total number of fishing days equal to the number of named days for the remainder of the state. Fishermen would be required to retain all landing receipts on board the vessel for the then current week and the immediately preceding week to provide a ready means of enforcing the limit on the number of days a person may fish.

Fishermen would also be prohibited from being present on a vessel once they had fished for the allowable number of days in that particular week.

The Commission will have an option to adopt the regulations regarding the days fished in northern California either without a sunset date or with a sunset date of two, three or four years.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Mission Inn, 3649 Mission Inn Avenue, Riverside, California, on Friday, March 3, 2006 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the City Council Chambers, Madison Street at Pacific Street (Across from 399 Madison Street), Monterey, California, on April 7, 2006, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before March 30, 2006 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 4, 2006. All comments must be received no later than April 7, 2006, at the hearing in Monterey, CA. All written comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Koell at the preceding address or phone number. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The addition of one more day per week of fishing during the month of July is expected to enable sea urchin divers to supply their processors with a steadier supply. This, in turn, should help the processors supply their markets. Other proposed amendments would allow northern California sea urchin divers to work a specified number of days during April through October rather than work on named days of the week. This change is also expected to help northern California processors to supply their markets more reliably. Both of these proposed changes should assist California sea urchin businesses compete with those in other states and countries.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: February 7, 2006

John Carlson, Jr.
Executive Director